

- - REMARKS - -

Claims 1-14 are currently pending in the application. Claims 1-7 have been withdrawn from consideration. No amendments have been made by this response.

In the outstanding Office Action, the claim 11 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has objected to the use of the term "may". This term, however, was deleted by a preliminary amendment dated May 13, 2005, which was submitted with the initial filing of this application. Applicants respectfully request that the rejection be withdrawn as moot. In addition, it should be noted that amendments were also made to claims 3 and 12 by the same preliminary amendment.

In the outstanding Office Action, claims 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,219,196 to Luker (hereinafter "Luker"). Claims 12-14 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejections under 35 U.S.C. § 102(b) are respectfully traversed. In particular, Applicants assert that independent claim 8 and dependent claims 9-11 are not unpatentable in view of Luker. More specifically, Luker fails to disclose or suggest a bi-stable detent that is displaceable between a stable locking position and a stable locking position as required by claim 8. The three steel pins (19, 20 and 21) of the strike (10) of Luker do not form a bi-stable detent, but merely a mono-stable detent. The pins of Luker only have a single stable position, which is either a stable unlocking position when the strike is configured in a fail safe configuration, or a stable locking position when the strike is configured in a fail secure configuration. Whilst the Examiner has stated that the pins may be stably held in an opposite position by a solenoid, Applicants contend that the requirement for a solenoid to hold the pins in a particular position demonstrates that this position is unstable, particularly since de-energizing the solenoid will result in displacement of the pins from this position. A person of ordinary skill in the art will clearly understand that a bi-stable detent having both stable locking and stable

unlocking positions requires that the detent will positively remain in either the locking or unlocking position without the requirement for active intervention, e.g., without the need for an energized solenoid.

In addition, and contrary Examiner's suggestion, the detent (307) of the elected embodiment of the present invention does not require energizing a solenoid to retain the pin in any particular position. Instead, the detent pin (307) of the strike of the elected embodiment is stably held in one position by a spring, and stably held in the opposite position by a magnetic latching mechanism embodied within the solenoid. There is no need to keep the solenoid energized to retain the detent in either position, as there is with Luker.

Moreover, Luker fails to disclose or suggest a solenoid which displaces the detent from a locking position to an unlocking position when activated by an unlocking control signal, and from the unlocking position to the locking position when activated by a locking control signal. The solenoid (26) of Luker only has a single mode of activation, and can only displace the detent in a single direction in response to a single control signal. There is no second control signal that activates the solenoid so as to displace the detent in the opposing direction. The lack of voltage referred to by the Examiner is not a second signal, but the absence of a signal that results in the deactivation of the solenoid, which is clearly distinguishable from a second signal that activates the solenoid so as to displace the detent in an opposing direction, as required by claim 8.

Independent claim 8 is therefore not rendered unpatentable by the prior art, and in particular is not rendered unpatentable by Luker. Claims 9-11 are each dependent on claim 8 and are likewise not rendered unpatentable by the prior art. Claims 12-14, which are also dependent on claim 8, have been previously acknowledged by the Examiner as containing allowable subject matter.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicants' undersigned attorney at (312) 321-4273.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Milz", written over a horizontal line.

Michael E. Milz
Registration No. 34,880
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200